

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY PATRICK DUNIGAN, IV,)	
Petitioner,)	Civil Action No. 17-209 Erie
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
MICHAEL CLARK, <u>et al.</u> ,)	
Respondents.)	

OPINION AND ORDER

The Petitioner, Timothy Patrick Dunigan, IV, is incarcerated at the State Correctional Institution Albion ("SCI Albion"). He is serving a sentence of imprisonment imposed on September 18, 2015, by the Court of Common Pleas of Montgomery County. He has filed with this Court a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which he challenges the validity of his judgment of sentence. SCI Albion is located within the territorial boundaries of this District. Montgomery County is located within the territorial boundaries of the United States District Court for the Eastern District of Pennsylvania. 28 U.S.C. § 118.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. **The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.**

28 U.S.C. § 2241(d) (emphasis added).

The Petitioner was tried, convicted, and sentenced in the Court of Common Pleas of Montgomery County and, therefore, most, if not all, of the relevant activity occurred within the Eastern

District of Pennsylvania. This Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Eastern District Court. This decision is in accordance with the agreed practice of the United States District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: September 19, 2017

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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ORDER

AND NOW, this 19th day of September, 2017;

IT IS HEREBY ORDERED that the Clerk shall TRANSFER THIS CASE to the United States District Court for the Eastern District of Pennsylvania.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge